

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW HAMPSHIRE

In re:

Bk. No. \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Chapter 11

\_\_\_\_\_  
Debtor

ORDER CONFIRMING DEBTOR'S PLAN OF REORGANIZATION

Pursuant to the final plan and disclosure statement (Court Doc. Nos. \_\_\_\_ and \_\_\_\_ ) filed by \_\_\_\_\_; and after notice having been transmitted to all creditors, equity security holders, parties in interest and other persons entitled to notice in accordance with Bankruptcy Rules 2002 and 3017; and after having reviewed the plan, the showing made by parties who attended the confirmation hearing on \_\_\_\_\_, and the Court having dictated (if applicable) any special findings and conclusions into the record at the close of the hearing,

IT IS HEREBY ORDERED, ADJUDGED and DECREED as follows:

1. The plan, which is incorporated herein by reference, complies with the applicable provisions of the Bankruptcy Code, 11 U.S.C. § 101 - § 1330. See 11 U.S.C. § 1129(a)(1).

2. The proponent of the plan complies with the applicable provisions of section 1129. See 11 U.S.C. § 1129(a)(2).

3. The plan has been proposed in good faith and not by any means forbidden by law. See 11 U.S.C. § 1129(a)(3).

4. Any payment made or promised by the debtor or by any person issuing securities or acquiring property under the plan, for services or costs and expenses in the case or in connection with the case, or in connection with the plan and incident to this case, has been approved by, or is subject to the approval of, the Court as reasonable. See 11 U.S.C. § 1129(a)(4).

5. The debtor has disclosed the identity and affiliations of any individual proposed to serve after confirmation of the plan, as a director, officer, or voting trustee of the reorganized debtor, an affiliate of the debtor participating in a joint plan with the debtor, or a successor to the debtor under the plan and the identity of any insider that will be employed or retained by the reorganized debtor, and the nature of compensation for such insider. See 11 U.S.C. § 1129(a)(5).

6. Any governmental regulatory commission with jurisdiction after confirmation of the plan, over the rates of the debtor (if applicable) has approved any rate change provided for in the plan, or such rate change is expressly conditioned on such approval. See 11 U.S.C. § 1129(a)(6).

7. With respect to each impaired class of claims or interest of such class, being class or classes \_\_\_\_\_, each holder of a claim or interest of such class has accepted the plan or will receive or retain under the plan on account of such claim or interest property of a value, as of the Effective Date of the plan, that is not less than the amount that such holder would so receive or retain if the debtor were liquidated under Chapter 7. If section 1111(b)(2) applies, such class will receive or retain under the plan, property of a value, as of the Effective Date of the plan, not less than the value of such holder's interest in the estate's interest in the property securing claim. See 11 U.S.C. § 1129(a)(7).

8. The Certificate of Vote attached as Exhibit A hereto discloses those classes that have accepted the plan, those classes that have rejected the plan, those classes that are not impaired under the plan, and those classes which have rejected but are being treated (if applicable) by plan treatment permitted under sections 1129(b)(1) and (b)(2) of the Bankruptcy Code. See 11 U.S.C. § 1129(a)(8).

9. Except to the extent that the holder of a particular claim has agreed to a different treatment of such claim, the plan provides that, with respect to a claim of a kind specified in section 507(a)(1) or 507(a)(2) of the Bankruptcy Code, being class or classes \_\_\_\_\_, on the Effective Date of the plan, the holder of such claim will receive on account of such claim cash equal to the allowed amount of such claim. See 11 U.S.C. § 1129(a)(9)(A).

10. With respect to a class of claims of a kind specified in section 507(a)(3), being class or classes \_\_\_\_\_, 507(a)(4), 507(a)(5), 507(a)(6) and 507(a)(7) of the Bankruptcy Code, each holder of a claim of such class will receive, if such class has accepted the plan, deferred cash payments of a value, as of the Effective Date of the plan, equal to the allowed amount of such claim. Or, if such class has not accepted the plan, cash on the Effective Date of the plan equal to the allowed amount of such claim. See 11 U.S.C. § 1129(a)(9)(B).

11. With respect to a claim of a kind specified in section 507(a)(8) of the Bankruptcy Code, being class or classes \_\_\_\_\_, the holder of such claim will receive on account of such claim deferred cash payments, over a period not exceeding six years after the date of assessment of such claim, of a value, as of the Effective Date of the plan, equal to the allowed amount of such claim. See 11 U.S.C. § 1129(a)(9)(C).

12. If a class of claims is impaired under the plan, at least one class of claims that is impaired under the plan, being class or classes \_\_\_\_\_, has accepted the plan, determined without including any acceptance of the plan by an insider. See 11 U.S.C. § 1129(a)(10).

13. Confirmation of this plan is not likely to be followed by liquidation, or the need for further financial reorganization, of this debtor or any successor to the debtor under the plan, unless such liquidation or reorganization is proposed in the plan. See 11 U.S.C. § 1129(a)(11).

14. All fees due and all quarterly fees payable to the United States Trustee have been paid as of the confirmation date.

15. The plan provides (if applicable) for the continuation after its effective date of payment of any retiree benefits, as that term is defined in section 1114 of the Bankruptcy Code, at the level established pursuant to section 1114(e)(1)(B) or (g) of the Bankruptcy Code, at any time prior to confirmation of the plan, for the duration of the period the debtor has obligated itself to provide such benefits. See 11 U.S.C. § 1129(a)(13).

16. The plan is hereby determined to be fair and equitable and does not discriminate unfairly with regard to any class of claims or interests that is impaired under, and has not accepted, the plan. See 11 U.S.C. § 1129(b)(1).

17. The plan is fair and equitable with respect to any rejecting class of secured claims (if applicable) and the plan provides that holders of such claims retain the liens securing such claims, whether the property subject to such liens is retained by the debtor or transferred to another entity, to the extent of the allowed amount of such claims, and that each holder of a claim of such class will receive on account of such claim deferred cash payments totaling at least the allowed amount of such claim, of a value, as of the Effective Date of the plan, of at least the value of such holder's interest in the estate's interest in such property. See 11 U.S.C. § 1129(b)(2)(A)(i).

18. Special provisions **(insert special provisions if applicable/attach additional sheets if necessary):**

19. There are no other plans that have been proposed in this case.

20. The plan is hereby confirmed.

21. The provisions of the plan are hereby made binding upon the debtor and any creditor or equity security

holder of the debtor whether the claim or interest of such creditor or equity security holder is impaired under the plan and whether such creditor or equity security holder has accepted the plan.

22. Except as otherwise provided herein or in the plan, and effective as of the Effective Date of the plan, in accordance with section 1141(d) of the Code, the debtor is hereby discharged of and from any and all debts and claims that arose against it before the date of entry of this order, including, without limitation, any debt or claim or a kind specified in sections 502(g), 502(h) or 502(i) of the Code, whether or not (i) a proof of claim based on such debt is filed or deemed filed under section 501 of the Code, (ii) such claim is allowed under section 502 of the Bankruptcy Code, or (iii) the holder of such claim has accepted the plan.

23. Except as otherwise provided herein or in the plan, and effective as of the Effective Date of the plan, in accordance with sections 1141(b) and 1141(c) of the Code, all property of the debtor's estate and all property dealt with by the plan is hereby vested in the debtor free and clear of all claims and interest of creditors and equity security holders of the debtor.

24. Except as provided in the Plan, and subject only to the occurrence of the Effective Date of the plan, any judgment at any time obtained, to the extent that such judgment is determination of the liability of the debtor with respect to any debt or claim discharged hereunder, is hereby rendered null and void.

25. Effective as of the Effective Date of the plan, the commencement or continuation of any action, the employment of process or any act to collect, recover or offset any claim discharged or interest terminated hereunder is hereby permanently enjoined, stayed and restrained.

26. The debtor shall have the right to make objections to any claim or interest, unless prohibited by the plan, by filing with the Court and serving a copy of each such objection and a notice of hearing on such objection upon the holder of such claim or interest no later than \_\_\_\_\_.

27. Any claim for damages arising from the rejection of any executory contract or unexpired lease pursuant to the plan shall be forever barred unless a proof of claim therefor in proper form is filed with the Court within thirty (30) days after the later of the date of entry of (i) an order by the Court approving the rejection of such executory contract or unexpired lease or (ii) this order.

28. All applications or requests for compensation or the reimbursement of any expenses or costs incurred by any professionals retained with Court approval in this Chapter 11 case, or fees and expenses by any party in interest must be filed with the Court, with a copy thereof served on counsel for the debtor and the U.S. Trustee on or before \_\_\_\_\_.

29. On or before a date that is two (2) business days after the date of entry of this order, pursuant to Bankruptcy Rules 2002(f)(7) and 3020(c), the debtor shall mail to all known holders of claims and interest, notice of the entry of this order and shall serve a copy of this order upon the United States Trustee and all parties entitled to notice pursuant to the Bankruptcy Code. Service of such notice and this order shall be sufficient and complete notice of all matters addressed in this order, including all bar dates set forth herein for the filing of claims, applications and requests for payment and objections, and no further notice with regard to any such matters shall be required.

30. In accordance with the provisions of LBR 3020-1, the Court shall retain exclusive jurisdiction for the following purposes:

(a) To hear and determine objections to claims;

(b) To hear and determine any dispute arising under the plan, its implementation and execution of any

necessary documents thereunder, and any requests to amend, modify or correct the plan, provided such matters are brought before the Court prior to the point of substantial consummation;

(c) To grant extension of any deadlines set forth in this order as may be appropriate;

(d) To enforce all discharge provisions under the plan; and

(e) To consider and rule upon requests for final compensation.

The debtor shall be permitted to file a motion requesting additional retention of jurisdiction for specific matters within sixty (60) days of the date of this order. Any such further retention of jurisdiction granted by the Court shall be provided for in a supplementary order on such motion.

31. The debtor shall file an application for final decree pursuant to the provisions of Bankruptcy Rule 3022 and LBR 3020-1 within 120 days of the date of this order.

DONE and ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at Manchester, New Hampshire.

BY THE COURT:

\_\_\_\_\_  
Bankruptcy Judge